

**DALY, CROWLEY, MOFFORD & DURKEE, LLP**354A TURNPIKE STREET - SUITE 301A  
CANTON, MASSACHUSETTS 02021-2714**Telephone: 781-401-9988****Facsimile: 781-401-9966****RECEIVED  
CENTRAL FAX CENTER****NOV 13 2006****FACSIMILE TRANSMITTAL SHEET**Including this transmittal sheet, document consists of 2 pages.

Date: November 13, 2006

**To: Commissioner for Patents****From: Paul D. Durkee, Esq.****Examiner: Ramy M. Osman****Group Art: 2157****Company: U.S. PTO****Facsimile Number: 571-273-8300****Telephone Number:****MESSAGE**

**RE: U.S. Patent Application of Stephen M. Howard, et al.**  
**Entitled: Data Backup System Having A Flexible Restore Architecture**  
**Filed on: January 25, 2001**  
**U.S. Appl. No.: 09/769,604**  
**Our Ref. No.: EMC-002PUS**

**PLEASE CONFIRM RECEIPT OF THIS FACSIMILE TRANSMISSION.****THANK YOU.****STATEMENT OF CONFIDENTIALITY**

The documents included with this facsimile transmittal sheet contain information which is confidential and/or privileged. The information is intended to be for the use of the addressee named on this transmittal sheet. If you are not the addressee, note that any disclosure, photocopying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone (collect) immediately so that we can arrange for the retrieval of the original documents at no cost to you.

**IF THERE IS A PROBLEM WITH THIS TRANSMISSION, OR IF YOU DID NOT  
RECEIVE ALL PAGES, PLEASE CALL 781-401-9988 X34 AS SOON AS POSSIBLE**

\\server01\client\_files\ProLaw documents\EMC-002PUS\26355.doc

RECEIVED  
CENTRAL FAX CENTER  
NOV 13 2006

NOV 13 2006  
PTOL-413A (09-06)  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 09/769,604 First Named Applicant: Stephen M. Howard  
Examiner: Ramy M. Osman Art Unit: 2157 Status of Application: Pending

#### Tentative Participants:

(1) Paul D. Durkee (2) Ramy M. Osman  
(3) (4)

Proposed Date of Interview: November 15, 2006 Proposed Time: 10:00 (AM/PM)

#### Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO  
If yes, provide brief description:

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rej	1, all	Art Rodriguez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Rej	all		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

#### Brief Description of Arguments to be Presented:

Discuss prior art rejections  
Discuss claim language to address Examiner's concerns  
regarding broad interpretation of claim language

An interview was conducted on the above-identified application on  
**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Paul D. Durkee, Esq.

Examiner/SPE Signature

Typed/Printed Name of Applicant or Representative

41,003

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.